

CLERKS OFFICE US DISTRICT COURT
AT ABINGDON, VA
FILED

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ABINGDON DIVISION**

November 01, 2024

LAURA A. AUSTIN, CLERK
BY: /s/ Robin Bordwine
DEPUTY CLERK

ROBERT BLANKENSHIP,
Plaintiff

V.

**MARTIN O'MALLEY,
COMMISSIONER OF SOCIAL
SECURITY,
Defendant**

)
)
)
)
)
)
)
)
)
)

Civil Action No. 1:24cv00045

REPORT AND RECOMMENDATION ON PETITION TO PROCEED WITHOUT PREPAYING FEES OR COSTS

Pursuant to 28 U.S.C. § 636(b)(1)(B), it is recommended that the plaintiff's application under 28 U.S.C. § 1915 to proceed without prepaying fees or costs be:

() Granted:

The Clerk is ordered to file the Complaint and issue a summons. The United States Marshal is ordered to serve the summons with a copy of the Complaint and this Order on the defendant(s). The United States will advance the costs of service. Prisoner plaintiffs are responsible for full payment of the filing fee.

() **Granted Conditionally:**

The Clerk is ordered to file the Complaint. Upon receipt of the completed summons and USM-285 form for each defendant, the Clerk will issue a summons. If the completed summons and USM-285 forms are not submitted as directed, the Complaint may be dismissed. The United States Marshal is ordered to serve the completed summons with a copy of the Complaint and this Order on the defendant(s). The United States will advance the costs of service. Prisoner plaintiffs are responsible for full payment of the filing fee.

(x) Denied:

This application is denied without prejudice based upon the plaintiff owning an interest in real and personal property valued at approximately \$82,000.00.

Notice to Parties

Notice is hereby given to the parties of the provisions of 28 U.S.C. § 636(b)(1)(C):

Within fourteen days after being served with a copy [of this Report and Recommendation], any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made. A judge of the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. The judge may also receive further evidence or recommit the matter to the magistrate judge with instructions.

Failure to file timely written objections to these proposed findings and recommendations within 14 days could waive appellate review. At the conclusion of the 14-day period, the Clerk is directed to transmit the record in this matter to the Honorable James P. Jones, Senior United States District Judge.

The Clerk is directed to send a certified copy of this Report and Recommendation to the plaintiff at this time.

Date: November 1, 2024.

/s/ *Pamela Meade Sargent*
UNITED STATES MAGISTRATE JUDGE